UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,067	07/16/2001	Yatin Acharya	95-512	5989

20736 7590 12/20/2006	EXAMINER	
MANELLI DENISON & SELTER	WILSON, ROBERT W	
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	2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/905,067	ACHARYA, YATIN
	Examiner	Art Unit	
	Robert W. Wilson	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/4/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6, 9, & 13-15 contains the trademark/trade name InfiniBand. Where a

trademark or trade name is used in a claim as a limitation to identify or describe a particular

material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second

paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is

uncertain since the trademark or trade name cannot be used properly to identify any particular

material or product. A trademark or trade name is used to identify a source of goods, and not the

goods themselves. Thus, a trademark or trade name does not identify or describe the goods

associated with the trademark or trade name. In the present case, the trademark/trade name is

used to identify/describe products and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 7, & 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan

(U.S. Patent No.: 6,643,269)

Referring to claim 1, Fan teaches: A method in which a node identifies topology changes and broadcasts a changed to session number to all of the nodes per col. 3 line 6-col. 4 line 7. A Master CPU 46 reallocates short or long addresses to all nodes in the network based upon receiving the message of the changed session number per col. 10 lines 40-52 (detecting).

The Master CPU 46 reallocates a shortened address or a long address to all nodes in the network based upon the topology change per col. 10 lines 40-52 (selecting).

Based upon the reallocation of the shorten addresses by the Master CPU 46 the packet processor in each node replaces the long addresses with the shorten addresses or long addresses per col. 6 line 15-col. 7 line 67. The applicant broadly claims "tag is added to the start of a corresponding data packet". The destination address is added to the header which the examiner interprets as the beginning of the packet and the switching tag is either long address or short address which is specified in the header in the address type field per Figs 2 and 4 or a switching tag having a selected size (configuring).

Fan does not expressly call for: selecting the size of address field based upon the number of network nodes but teaches shortening the address based upon topology changes per col. 3 line 6-col. 4 line 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention that changes in topology are directly proportional to the number of nodes in the network.

Referring to claim 7, Fan teaches: A Master CPU 46 or network manager receiving the message of the changed session number or explorer resource from network nodes per col. 10 lines 40-52 which indicates a topology change per col. 3 line 6-col. 4 line.

The Master CPU 46 or controller reallocates a shortened address to all nodes which are switches in the network based upon the topology change per col. 10 lines 40-52. Based upon the reallocation of the shorten addresses by the Master CPU 46 the packet processor in each node replaces the long addresses with the shorten addresses per col. 6 line 15-col. 7 line 67.
The applicant broadly claims "tag is added to the start of a corresponding data packet". The destination address is added to the header which the examiner interprets as the beginning of the packet and the switching tag is either long address or short address which is specified in the header in the address type field per Figs 2 and 4 or a switching tag having a selected size

Fan does not expressly call for: selecting the size of address field based upon the number of network nodes but teaches shortening the address based upon topology changes per col. 3 line 6-col. 4 line 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention that changes in topology are directly proportional to the number of nodes in the network.

Referring to claim 10, Fan teaches: Server is only defined in the preamble and not the claim so server was not given weight because it was assumed to be an intended use. A network comprising a plurality of nodes which are switches in a ring per Fig 1. A Master CPU 46 or network manager reallocates shortened addresses to all nodes in the network based upon receiving the message of the changed session number from network nodes which are switches

per col. 10 lines 40-52. A node identifies topology changes and broadcasts a changed to session number to all of the nodes per col. 3 line 6-col. 4 line 7. The Master CPU 46 reallocates a shortened address to all nodes which are switches in the network based upon the topology change per col. 10 lines 40-52. Based upon the reallocation of the shorten addresses by the Master CPU 46 the packet processor in each node replaces the long addresses with the shorten addresses per col. 6 line 15-col. 7 line 67. The applicant broadly claims "tag is added to the start of a corresponding data packet". The destination address is added to the header which the examiner interprets as the beginning of the packet and the switching tag is either long address or short address which is specified in the header in the address type field per Figs 2 and 4 or a switching tag having a selected size

Fan does not expressly call for: selecting the size of address field based upon the number of network nodes but teaches shortening the address based upon topology changes per col. 3 line 6-col. 4 line 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention that changes in topology are directly proportional to the number of nodes in the network.

In Addition Fan teaches:

Regarding claim 11 (assuming that claim 11 depends upon claim 10), Fan teaches a shortened address as well as sending a type of address or wherein the size corresponds to a selected number of bits. per col. 3 line 6 or col. 4 line 7.

Regarding claim 12 Fan teaches: look up table per col., 7 line 11-67 or col. 8 line 55-col. 10 line 67.

5.   Claim 2 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan (U.S.

Patent No.: 6,643,269) in view of Davie (U.S. Patent No.: 6,430,155)

Referring to claim 2, Fan teaches: the method of claim 1 and teaches sending a reallocate of shortened address to the nodes.

Fan does not expressly call for: management datagram but sending a reallocation of shortened addresses to the nodes per col. 10 lines 40-52.

Davie teaches: sending management datagrams which specify resources per col. 9 llines 7-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the management datagrams of Davie in place of the reallocate message of Fan because the management datagram is a message which is used to define resources.

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Referring to claim 8, Fan teaches: the method of claim 7 and teaches sending a reallocate of shortened address to the nodes.

Fan does not expressly call for: management datagram but sending a reallocation of shortened addresses to the nodes per col. 10 lines 40-52.

Davie teaches: sending management datagrams which specify resources per col. 9 lines 7-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the management datagrams of Davie in place of the reallocate message of Fan because the management datagram is a message which is used to define resources.

Response to Amendment

6.   This supplementary action has been provided in response to applicant's request for a

petition for a request for a corrected office action in the petition dated 8/4/06. In the petition the

applicant requested that claim 9 be addressed. Claim 9 refers to "InfiniBand " which has been

interpreted as a trademark name and has been rejected under 112/2nd paragraph. Please refer to

the above rejection for details. The examiner has withdrawn the objection to the drawings per

applicant's petition dated 8/4/06.

The following is the examiner's response to the 11/28/05 amendment.

The applicant broadly claims adding a tag. The examiner respectively disagrees that the

applicant's argument that replacing an address with a short address or long address is not the

same as adding a tag.

The applicant broadly claims "adding a tag at the start of a data packet. The applicant also argues

that the reference does not teach adding the tag at the start of the existing data packet. The

address or tag is added to the header which the examiner interprets as the start of a data packet.
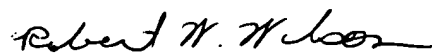
The examiner respectively disagrees with the applicant's argument that "violating existing Internet Protocol and Ethernet protocol address sizes " is relevant because it is not a part of the claimed invention.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571/272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert W Wilson
Examiner
Art Unit 2616

RWW

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TECHNOLOGY CENTER 2600

12/11/06